

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|-------------------------|---|-----------------------------|
| NANETTE SMALCER, |) | CASE NO. 1:21CV1033 |
| |) | |
| Plaintiff, |) | SENIOR JUDGE |
| |) | CHRISTOPHER A. BOYKO |
| vs. |) | |
| |) | |
| COMMISSIONER OF |) | ORDER |
| SOCIAL SECURITY, |) | |
| |) | |
| Defendant. |) | |

CHRISTOPHER A. BOYKO, SR. J.:

On May 18, 2021, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 405(g). (Doc. 1).

The Court referred this matter to Magistrate Judge Carmen E. Henderson pursuant to Local Rule 72.2. (Non-Doc. Entry, 5/18/2021). On May 24, 2022, the Magistrate Judge recommended that the Court reverse the Commissioner's final decision and remand the matter back to the Administrative Law Judge under Sentence Four of § 405(g). (Doc. 18). On June 7, 2022, Defendant Commissioner filed a brief response indicating that she "will not be filing objections to this Honorable Court's Report and Recommended Decision." (Doc. 19).

Federal Rule of Civil Procedure 72 provides that objections to a report and recommendation must be filed within fourteen days after service. Fed. R. Civ. P. 72(b). Defendant Commissioner has indicated that she will not be filing an objection. Therefore, the Court assumes that Defendant is satisfied with the Magistrate Judge's Recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's resources.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd* 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Serv.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Therefore, Magistrate Judge Henderson's Report and Recommendation is **ADOPTED**, the Commissioner's decision is **REVERSED** and the matter is **REMANDED** to the ALJ under Sentence Four of § 405(g) and for further consideration consistent with Magistrate Judge Henderson's Report and Recommendation.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
Senior United States District Judge

Dated: June 9, 2022